

Union Calendar No. 118

106TH CONGRESS
1ST SESSION

H. R. 1218

[Report No. 106-204]

To amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1999

Ms. ROS-LEHTINEN (for herself, Mr. BARCIA, Mr. DIAZ-BALART, Mrs. FOWLER, Mr. WELDON of Florida, Mr. MCCOLLUM, Mr. CANADY of Florida, Mr. YOUNG of Florida, Mr. GOSS, Mr. MICA, Mr. STEARNS, Mr. SCARBOROUGH, Mr. ARMEY, Mr. DELAY, Mr. WATTS of Oklahoma, Mr. HYDE, Mr. BOEHNER, Mr. CRANE, Mr. ISTOOK, Mr. PITTS, Mr. COX, Mr. BLILEY, Mr. OBERSTAR, Mr. WALSH, Mr. DAVIS of Virginia, Mr. HOEKSTRA, Mr. FORBES, Mr. LAFALCE, Mr. WOLF, Mr. LARGENT, Mr. RAHALL, Mrs. EMERSON, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. HALL of Ohio, Mr. SHOWS, Mr. HUTCHINSON, Mr. SALMON, Mr. GUTKNECHT, Mr. HEFLEY, Mr. HILL of Montana, Mr. BURTON of Indiana, Mrs. MYRICK, Mr. LIPINSKI, Mr. NORWOOD, Mr. ROGAN, Mr. HUNTER, Mr. STENHOLM, Mr. FOSSELLA, Mr. BACHUS, Mr. CHAMBLISS, Mr. HILLEARY, Mr. HOSTETTLER, Mr. GOODE, Mr. RYUN of Kansas, Mr. BURR of North Carolina, Mr. DEMINT, Mr. LATOURETTE, Mr. BARRETT of Nebraska, Mr. JOHN, Mr. MCINTYRE, Mr. TIAHRT, Mr. BRYANT, Mr. SCHAFER, Mr. TALENT, Mr. HALL of Texas, Mr. GREEN of Wisconsin, Mr. HAYWORTH, Mr. MCCRERY, Mr. LAHOOD, Mr. BERRY, Mr. ADERHOLT, Mr. SAM JOHNSON of Texas, Mr. DOYLE, Mr. PICKERING, Mr. KING, Mr. TERRY, Mr. METCALF, Mr. TANCREDO, Mr. GARY MILLER of California, Mr. LEWIS of Kentucky, Mr. CALVERT, Mr. SMITH of Michigan, Mr. PETERSON of Pennsylvania, Mr. LINDER, Mr. SESSIONS, Mr. CAMP, Mr. BARR of Georgia, Mr. POMBO, Mr. COOK, Mr. RYAN of Wisconsin, Mr. FLETCHER, Mr. SHIMKUS, Mr. KNOLLENBERG, Mr. DICKY, Mr. ENGLISH, Mr. MCINTOSH, Mr. COBURN, Mr. EHLERS, Mr. CUNNINGHAM, Mr. RILEY, Mr. LATHAM, Mr. PORTMAN, Mr. BARTON of Texas, Mr. CHABOT, Mr. GRAHAM, Mr. JENKINS, Mr. SHADEGG, Mr. MANZULLO, Mr. KINGSTON, Mr. MCKEON, Mr. BATEMAN, Mr. BLUNT,

Mr. SENSENBRENNER, Mr. GOODLATTE, Mr. BRADY of Texas, Mr. NEY, Mr. LOBIONDO, Mr. BARTLETT of Maryland, Mr. THUNE, and Mr. WHITFIELD) introduced the following bill; which was referred to the Committee on the Judiciary

JUNE 25, 1999

Additional sponsors: Mr. PETERSON of Minnesota, Mr. GOODLING, Mr. HAYES, Mr. WAMP, Mr. GEKAS, Mr. WICKER, Mr. LUCAS of Kentucky, Mr. PACKARD, Mr. SHERWOOD, Mr. PHELPS, and Mr. LUCAS of Oklahoma

JUNE 25, 1999

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Custody Protec-
5 tion Act”.

6 **SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION** 7 **OF CERTAIN LAWS RELATING TO ABORTION.**

8 (a) IN GENERAL.—Title 18, United States Code, is
9 amended by inserting after chapter 117 the following:

1 **“CHAPTER 117A—TRANSPORTATION OF**
 2 **MINORS IN CIRCUMVENTION OF CER-**
 3 **TAIN LAWS RELATING TO ABORTION**

“Sec.

“2431. Transportation of minors in circumvention of certain laws relating to abortion.

4 **“§ 2431. Transportation of minors in circumvention of**
 5 **certain laws relating to abortion**

6 “(a) OFFENSE.—

7 “(1) GENERALLY.—Except as provided in sub-
 8 section (b), whoever knowingly transports an indi-
 9 vidual who has not attained the age of 18 years
 10 across a State line, with the intent that such indi-
 11 vidual obtain an abortion, and thereby in fact
 12 abridges the right of a parent under a law requiring
 13 parental involvement in a minor’s abortion decision,
 14 in force in the State where the individual resides,
 15 shall be fined under this title or imprisoned not
 16 more than one year, or both.

17 “(2) DEFINITION.—For the purposes of this
 18 subsection, an abridgement of the right of a parent
 19 occurs if an abortion is performed on the individual,
 20 in a State other than the State where the individual
 21 resides, without the parental consent or notification,
 22 or the judicial authorization, that would have been
 23 required by that law had the abortion been per-
 24 formed in the State where the individual resides.

1 “(b) EXCEPTIONS.—(1) The prohibition of subsection
2 (a) does not apply if the abortion was necessary to save
3 the life of the minor because her life was endangered by
4 a physical disorder, physical injury, or physical illness, in-
5 cluding a life endangering physical condition caused by or
6 arising from the pregnancy itself.

7 “(2) An individual transported in violation of this sec-
8 tion, and any parent of that individual, may not be pros-
9 ecuted or sued for a violation of this section, a conspiracy
10 to violate this section, or an offense under section 2 or
11 3 based on a violation of this section.

12 “(c) AFFIRMATIVE DEFENSE.—It is an affirmative
13 defense to a prosecution for an offense, or to a civil action,
14 based on a violation of this section that the defendant rea-
15 sonably believed, based on information the defendant ob-
16 tained directly from a parent of the individual or other
17 compelling facts, that before the individual obtained the
18 abortion, the parental consent or notification, or judicial
19 authorization took place that would have been required by
20 the law requiring parental involvement in a minor’s abor-
21 tion decision, had the abortion been performed in the
22 State where the individual resides.

23 “(d) CIVIL ACTION.—Any parent who suffers legal
24 harm from a violation of subsection (a) may obtain appro-
25 priate relief in a civil action.

1 “(e) DEFINITIONS.—For the purposes of this
2 section—

3 “(1) a law requiring parental involvement in a
4 minor’s abortion decision is a law—

5 “(A) requiring, before an abortion is per-
6 formed on a minor, either—

7 “(i) the notification to, or consent of,
8 a parent of that minor; or

9 “(ii) proceedings in a State court; and

10 “(B) that does not provide as an alter-
11 native to the requirements described in sub-
12 paragraph (A) notification to or consent of any
13 person or entity who is not described in that
14 subparagraph;

15 “(2) the term ‘parent’ means—

16 “(A) a parent or guardian;

17 “(B) a legal custodian; or

18 “(C) a person standing in loco parentis
19 who has care and control of the minor, and
20 with whom the minor regularly resides;

21 who is designated by the law requiring parental in-
22 volvement in the minor’s abortion decision as a per-
23 son to whom notification, or from whom consent, is
24 required;

1 “(3) the term ‘minor’ means an individual who
 2 is not older than the maximum age requiring paren-
 3 tal notification or consent, or proceedings in a State
 4 court, under the law requiring parental involvement
 5 in a minor’s abortion decision; and

6 “(4) the term ‘State’ includes the District of
 7 Columbia and any commonwealth, possession, or
 8 other territory of the United States.”.

9 (b) CLERICAL AMENDMENT.—The table of chapters
 10 for part I of title 18, United States Code, is amended by
 11 inserting after the item relating to chapter 117 the fol-
 12 lowing new item:

“117A. Transportation of minors in circumvention of certain laws
 relating to abortion 2431”.

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